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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग III—खण्ड 3

(PART III—SECTION 3)

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

(Notifications relating to Minor Administrations)

UNION TERRITORY OF DADRA AND NAGAR HAVELI
NOTIFICATION

No. ADM/CMO/GNL/PFA/1973.—Whereas a draft notification was published, as required by section 24 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) on page 67 of the Government of India Gazette Part—III Section 3 Dated 10th June 1972 under the Administration of Dadra and Nagar Haveli, No. CMO/GNL/PFA/1972 dated 20th April 1972 inviting representation from the persons likely to be affected thereby within one month of the publication.

And whereas no representation has been received during the period in the matter.

Now, therefore in exercise of the power conferred by Sub. Section (1) of section 24 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) the Administrator of Dadra and Nagar Haveli, after consultation with the Central Committee for Food Standards hereby finally publish the following rules, namely:—The Dadra and Nagar Haveli Prevention of Food Adulteration Rules, 1972.

PART—I

GENERAL

1. Short title, extent and commencement:—(1) These rules may be called the Dadra and Nagar Haveli Prevention of Food Adulteration Rules 1972.

(2) They extend to the whole of the Union Territory of Dadra and Nagar Haveli.

(3) They shall come into force at once.

2. Definitions:—In these rules, unless there is anything repugnant in the subject of context—

(a) "Act" means the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954).

(b) "Administration" means the Administration of the Union Territory of Dadra and Nagar Haveli;

- (c) "Administrator" means the Administrator of the Union Territory of Dadra and Nagar Haveli;
- (d) "Central Rules" means the Prevention of Food Adulteration Rules, 1955 framed by the Central Government;
- (e) "Food Inspector" means any person appointed by the Administrator under section 9 of the Act to exercise the functions of a Food Inspector under the Act within the local areas assigned to him;
- (f) "Forms" means a form appended to these rules;
- (g) "Hawker" means an itinerant retailer who has no fixed place for the sale of food stuff;
- (h) "Health Officer" includes Medical Officer or any other officer who is empowered to carry out duties of Health Officer;
- (i) "manufacture" means preparing any articles ready for sale and includes any process or part of a process, for making, altering, finishing, packing, labelling, or otherwise treating except packing of an article in the ordinary course of retail business;
- (j) "Public Analyst" means any person appointed by the Administrator under section 8 of the Act to exercise the function of a Public Analyst under the Act for the Union Territory of Dadra and Nagar Haveli;
- (k) "retail sale" means the sale for the use of consumers;
- (l) "Schedule" means a Schedule appended to these rules;
- (m) "Section" means a section of the Act;
- (n) "Wholesale" means a sale for the purpose of resale;
- (o) all words and expressions used but not defined in these rules shall have the same meaning as are respectively to them in the Act.

3. Food (Health) Authority and its power & duties—

(1) The Chief Medical Officer of the Administration shall be the Food (Health) Authority within the Union Territory of Dadra and Nagar Haveli for the purpose of the Act.

(2) The Food (Health) Authority shall be responsible for the general superintendence of the administration and enforcement of the Act.

(3) The Food (Health) Authority shall have the power to appoint Health Officer and delegate power to him for the purpose of the Act.

(4) The Food (Health) Authority may delegate in writing all or any of his power under the Act to any other officer by name or by virtue of the office.

(5) (a) If the Union Territory or any part thereof is visited by or threatened with, outbreak of any infectious diseases, the Food (Health) Authority shall ascertain the cause of such outbreak of the infectious diseases.

(b) If in the opinion of the Food (Health) Authority the outbreak of any infectious diseases is due to any article of food, the Food (Health) Authority shall take such measures as it shall deem necessary to prevent the outbreak of such diseases or the spread thereof.

(c) If the Food (Health) Authority thinks it proper in the interest of public health, he shall prohibit the sale of food articles if the articles are suspected to be adulterated misbranded or deleterious to human consumption.

The Food (Health) Authority shall also be empowered to authorise a Food Inspector on behalf of the Administration by a general or special order to institute prosecutions under the Act.

(7) Appeals on decisions made by the Food (Health) Authority on matters relating to these rules shall be made by the Collector and appeals on decisions made by the Collector shall be made to the Administrator whose decision shall be final.

(8) The Food (Health) Authority may fix the monthly quota of samples to be taken and sent for analysis by Food Inspectors from their jurisdiction.

(9) The Food (Health) Authority shall also act as Licensing Authority under the Act.

(10) The validity of every license issued by the Food (Health) Authority shall terminate on the 31st day of March immediately succeeding the date of issue.

Part—III

Manufacture for sale of Food

4. Conditions for manufacture for sale of food without a valid licence issued under these rules;

Provided, However, the Administrator may exempt the manufacture of any food from the operation of this rules.

5. Manufacture for sale of food at several premises:—

- (a) If food is manufactured for sale on more than one premises by the same person or person a separate application shall be made and a separate licence shall be issued on each such premises.
- (b) Application for the grant or renewal of licence to manufacture any food for sale, shall be made to the Licensing Authority in Form 1 with Re. 0.50 paise Court Fee stamp affixed thereto and accompanied by documents to show that the prescribed licence fee has been credited to the Silvassa Sub-Treasury.
- (c) Licence to manufacture food for sale shall be in Forms 2.

6. Licence fee for the manufacture for sale of food:—

- (a) The licence fee for the manufacture for sale of food shall be as set forth in Schedule I.
- (b) The full licence fee as prescribed in categories 1 to 11 of Schedule I shall have to be paid for manufacture and sale of any one or more items mentioned in the same category, while separate licence fee shall have to be paid for articles falling under different categories.

(c) A fee of Re. 1/- shall be paid for a duplicate copy of a licence issued under this rules, if the original is defaced damaged or lost.

(7) Grant or renewal of licence for the manufacture for sale of any food:—

A Licence for the manufacture for sale of any food shall not be granted or renewed unless the Licensing Authority is satisfied that:—

- (a) the premises are maintained in proper sanitary and hygienic conditions, & (b) the licence shall comply with the provisions of the Act and the rules made thereunder, and also abide by the conditions stated in the licence.

(8) Period of validity of licence for the manufacture for sale of any food.—A licence for the manufacture for sale of any food shall, unless sooner suspended or cancelled, be in force for a period of one financial year from the date mentioned therein and may thereafter be renewed for a period of one year at a time.

Provided that if application for renewal is made before the expiry of the period of validity of licence, the licence shall continue in force until orders are passed on such application.

(9) Certificate of renewal of licence for the manufacture for sale of any food.—The certificate of renewal of licence in Form 2 shall be in Form 3 and shall be subject to the conditions stated therein.

PART IV

Sale of food and suspension or cancellation of licences.

(10) Sale etc. of food.—No person shall sell, stock and exhibit for sale or distribute any food without a valid licence issued under these rules :

Provided, however, the Administrator may exempt any food from the operation of this rule.

(11) Sales etc. of food at more than one premises:—

(a) If the food is sold, stocked, exhibited for sale or distributed on more than one premises by the same person, a separate application shall be made and a separate licence shall be issued on each premises.

(b) Application for the grant or renewal of licence for the sale, stocking, exhibition for sale or distribution of food shall be made to the Licensing Authority in Form IV and with Re. 0.50 paise Court Fee stamp affixed thereto and accompanied by documents to show that the prescribed licence fee has been paid in Sub-Treasury Silvassa.

(c) Licence for the sale, stocking, exhibition for sale or distribution of food shall be in Form 5.

(12) Licence fee for the sale etc. of food:—

(a) The licence fee for the sale, stocking, exhibition of food shall be as set forth in Schedule II.

(b) A fee of Rupee one shall be paid for a duplicate copy of a licence issued under this rules, if the original is defaced, damaged or lost.

(13) Grant or renewal of licence for the sale, etc. of food.—A licence for the sale, stocking, exhibition for sale or distribution of food shall not be granted or renewed unless the Licensing Authority is satisfied that—

(a) the premises are maintained in proper sanitary and hygienic conditions, and

(b) The licensee shall comply with the provisions of the Act and the rules made thereunder and also abide by the conditions stated in the licence.

(14) Period of validity of Licence for the sale etc. of food :—A licence for the sale, stocking, exhibition for sale or distribution of food shall, unless sooner suspended or cancelled, be in force for a period of one financial year at a time and may thereafter be renewed for one financial year at a time.

Provided that if application for renewal is made before the expiry of the period of validity of a licence, the licence shall continue in force until orders are passed on such application.

(15) Certificate of renewal of licence for the sale, etc. of food.—The certificate of renewal of licence in Form 5 shall be in Form 6 and shall be subject to the conditions stated therein.

(16) Suspension or cancellation of licences.—The suspension or cancellation of licence issued under Rule 4 or rule 10 shall be after giving licensee an opportunity to show cause against such suspension or cancellation and must be by an order in writing, stating the reasons therefor.

PART V

(17) Fee for analysis.—The fees to be paid for the analysis of any article of food by the Public Analyst shall be as stated in Schedule III.

PART—VI

(18) Fines.—Distribution of fines realised.—All fines realised under these rules and Act shall be credited to the Administration.

By order of the Administrator,
Sd/-
Secretary to the Administrator,
Dadra and Nagar Haveli,
Silvassa.

Silvassa.
Dated : 4-1973.

